

REMARKS**1. Claim Amendments**

Applicants have amended claim 1 to more clearly and distinctly provide steps to a method. Support for the amendments to claim 1 can be found at least in the original claim.

2. Response to Restriction

The Office restricted claims 1-10 into one of the following groups:

Group I, claims 1-5, drawn to an extraction method; or

Group II, claims 6-10, drawn to a Maca extract product.

Applicants elect with traverse the claims of **Group I** (*i.e.*, claims 1-5). Applicants traverse the restriction as the action does not comply with requirements of a restriction requirement for a national stage application. Restriction is *discretionary*. All the claims were examined by the International Search Authority. Accordingly there exists an even greater burden above and beyond the serious burden that the Office must evince as to why examining the claims would pose more than a serious burden on the Office. No mention of burden with respect to each of the groups was made. Additionally, the Office did not evince in its arguments *why* there is above a *serious burden* in examining the claims together given the finding by the International Search Authority. Applicants respectfully request reconsideration and rejoinder in view of the finding by the International Search Authority.

Applicants further request reconsideration of the groupings because the claims are not properly grouped. Claims 1-4 recite a method. Claim 5 recites a Maca extract. Claims 6-8 and 10 are a food and beverage and claim 9 is an additive. Accordingly, the groups would have overlapping claims.

Additionally, the Office alleges that because the Maca extract can be made by extracting with methanol, the claims can be restricted. The Office provides no support as to why this defeats the special technical feature. The fact that another method can be used for a process is part of the U.S. restriction practice and not defeating for special technical features. The application of this argument in this instance is thus improper.

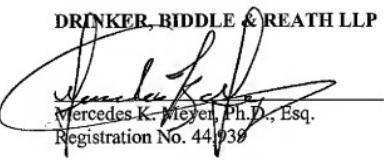
Accordingly, in view of the above argumentation Applicants respectfully request reconsideration of the restriction and rejoinder of all the claims.

CONCLUSION

If there are any other fees due in connection with the filing of Reply to Restriction Requirement, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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